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FROM:

Thomas Zell
Xerox Research Centre Europe
6 Chemin de Maupertuis
38240 Meylan France
Tel.: 011-33-476615112 or 650-812-4282
Email: tzell@xrce.xerox.com

RE:

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Thomas Zell (Signature)

Application No.	:	09/707,926
Filed	:	11/08/2000
Inventor(s)	:	Graham Button et al.
Docket No.	:	A0608-US-NP
Confirmation No.	:	9618
Examiner	:	M. Irshadullah
Art Unit	:	3623
Title	:	METHOD TO SUPPORT THE COORDINATION OF DISTRIBUTED PRODUCTION PRINTING
Customer No.	:	25453

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PATENT APPLICATION

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE HONORABLE BOARD OF PATENT APPEALS AND INTERFERENCES

Application of: Graham Button et al.	)	Examiner: M. Irshadullah
Appl. No.: 09/707,926	)	Art Unit: 3623
Filed: 11/08/2000	)	Docket No. A0608-US-NP

Title: **METHOD TO SUPPORT THE COORDINATION OF DISTRIBUTED PRODUCTION PRINTING**

TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is the Appellant's Brief in the above-identified application.

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☒ Please charge any additional fees under 37 C.F.R. §§1.16, 1.17 and 1.21 (but not 1.18) or credit any overpayment to Deposit Account No. 24-0025. *An additional copy of this sheet is enclosed.*

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Respectfully submitted,

Thomas Zell

Thomas Zell
Attorney for Appellant
Registration No. 37,481
Telephone: 650-812-4282

Date: 2/17/05

PATENT APPLICATION

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Respectfully submitted,

Thomas Zell

Thomas Zell
Attorney for Appellant
Registration No. 37,481
Telephone: 650-812-4282

Date: 2/17/05

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PATENT APPLICATION

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE HONORABLE BOARD OF PATENT APPEALS AND INTERFERENCES

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Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

Appellant respectfully submits this Appeal Brief in the appeal of the present case to the Board of Appeals and Patent Interferences on the Notice dated December 17, 2004.

TABLE OF CONTENTS

I. REAL PARTY IN INTEREST

The real party of interest in the present application is the assignee of the present application, Xerox Corporation.

II. RELATED APPEALS AND INTERFERENCES

There is no related appeal or interference.

III. STATUS OF CLAIMS

Claims 9-16 are pending in this application. Of these, claim 9 is an independent claim.

Claims 9-16 have been finally rejected in an Office Action mailed August 27, 2004 (hereinafter referred to as the "Office Action of August 2004") with additional comments with regard thereto in an Advisory Action mailed November 29, 2004 (hereinafter referred to as the "Advisory Action of November 2004"), on the grounds further discussed herein.

IV. STATUS OF AMENDMENTS

An amendment after final action was filed on October 27, 2004 that canceled claims 1-8 and 17-20. The Advisory Action of November 2004 indicated that the requested amendment after final action has been entered for the purposes of Appeal.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Generally, Appellant's invention recited in claims 9-16 is directed to a method for supporting the coordination of distributed production printing. One objective of the invention is to support decentralized decision-making in distributed document production printing through the advertisement and identification of work by publishing production schedules. Production print schedules "map out the projected mapping of customer print jobs to particular print devices for a future period" (See Appellant's Specification page 3, lines 4-11 and 17-19.)

More specifically, Appellant's claimed invention set forth in independent claim 9 recites a method for processing a print job with geographically distributed print shops, which method includes (a) sending to a central repository production schedules of a set of print shops with access controls that allow visibility of their production schedules to another print shop, (b) retrieving at the other print shop from the central repository, production schedules (sent by the set of print shops) that have access controls that permit visibility to the other print shop, and (c) transferring at least part of a print job from the other print shop to a print shop in the set of print shops independent of any centralized scheduling application, when spare printing capacity is indicated in at least one of the print shops in the set of print shops.

Advantageously, access controls may be used to limit the visibility of production schedules, and the publication of multiple representations of production schedules at different levels of detail. (See Appellant's specification at page 5, lines 23-29 and at page 7, lines 7-8.) That is, access controls on representations of production schedules "allow print shops to control exactly what information on their production status is made available to others". (See Appellant's specification at page 8, lines 28-30.)

Further, Appellant's invention set forth in dependent claim 15 recites that production schedules of print shops in the set of print shops that are retrieved by another print shop are limited as a function of a user profile attached to the other print shop. Advantageously, this permits print shops to define preferred collaborators and to filter certain production schedules retrieved from the central repository. (See Appellant's specification at page 6, lines 3-10.)

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The following grounds of rejection are presented for review:

Claims 9-16 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,287,194 (hereinafter referred to as "Lobiondo") in view of Orlick U.S. Patent Application Publication US 2002/0049733 (hereinafter referred to as "Orlick").

VII. ARGUMENT

Appellant respectfully traverses the rejection of claims 9-16 as being obvious under 35 U.S.C. §103(a) over Lobiondo in view of Orlick.

Generally, Lobiondo discloses a print shop management scheduling system. More specifically, Lobiondo discloses that a scheduler that may be used to operate with, for example, a print server that services multiple printers. As described in Lobiondo, when a job submission is received by the print server, the scheduler determines whether the selected printer can complete the job by the required completion time. If the job cannot be completed by the desired time, the scheduler allocates portions of the job to different printers so that it may complete by the desired time. (See Lobiondo column 4, lines 46-65 and Abstract.)

Generally, Orlick discloses a system for administering appointments for a schedule, where the schedule is created by an administrator (e.g., for appointment of clients of a dental service organization). The system allows authorized users to gain access to a web site of the administrator to obtain a schedule. The user may select a time slot which has not been selected or frozen (defining an appointment date and time). The administrator of the scheduling system may alter certain aspects of the schedule and/or prevent users from selecting more than one appointment at a time. Automatic email reminders of scheduled appointments are provided by the system to users. (See Orlick Abstract.)

A. First Group Of Claims, Consisting Of Claim 9 And Its Dependent Claims 10-14, Is Patentable Over Lobiondo and Orlick

In this section, Appellant traverses the rejection of the first group of claims, consisting of independent claim 9 and dependent claims 10-14, as being obvious under 35 U.S.C. §103(a) over Lobiondo in view of Orlick. In doing so, claim 9 is discussed in this section as the representative claim of the first group. The rejection regarding claim 9 is detailed on pages 8-11 of the Office Action of August 2004 and on page 2 of the Advisory Action of November 2004.

Generally, Claim 9 recites a method for scheduling print jobs using a *print shop* centric method (as illustrated in Figure 1 below), as opposed to a *scheduler* centric method (as illustrated in Figure 2 below) as described by Lobiondo taken

singly or together with Orlick. That is, the method recited in claim 9 allows print shops to share productions schedules to manage the transfer of a print job or parts of a print job between print shops independent of any centralized scheduling application.

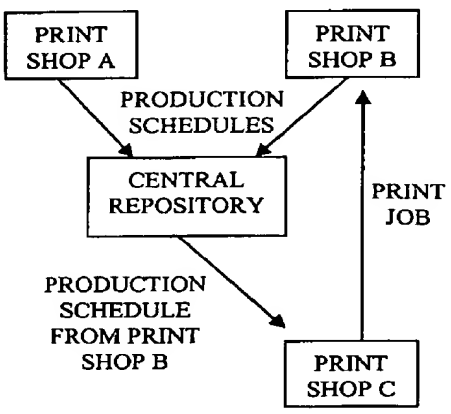

FIGURE 1
ILLUSTRATING PRINT SHOP CENTRIC METHOD

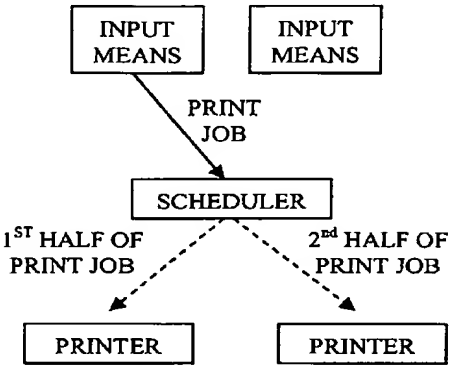

FIGURE 2
ILLUSTRATING SCHEDULER CENTRIC METHOD

For the reasons discussed in more detail below, Appellant respectfully submits that Lobiondo, whether taken singly or in combination with Orlick, fails to disclose or suggest one or more of the following elements of Appellant's recited claim limitations set forth in claim 9 when read as a whole:

(1) *sending production schedules to a central repository* (not as in Lobiondo, print job submission to a scheduler, as illustrated in Figure 2 above);

(2) *retrieving production schedules at print shops* (not as in Lobiondo, available printing alternatives of a job submission);

(3) *limiting the visibility of production schedules with access controls* (not as in Orlick, limiting user access to a centralized scheduler); and

(4) *transferring jobs between print shops when production schedules indicate spare capacity* (not as in Lobiondo, job allocations selected by a scheduler, as illustrated in Figure 2 above).

A.1 Sending Production Schedules From Print Shops To A Central Repository Is Not Disclosed Or Suggested

Appellant respectfully submits that Lobiondo fails to disclose or suggest a method for processing a print job in which a plurality of print shops forward production schedules to a central repository. The Office Action of August 2004 in section b, on page 10 (which refers to section 5(b) on page 3) alleges that this claimed element is described by Lobiondo at column 3, lines 56-60, and column 6, lines 22-25. Further, the Advisory Action of November 2004, on page 2, lines 11-24, alleges that this claimed element is described by Lobiondo at column 3, lines 16-18, 27-36 and 37-41. These cited sections are reproduced below in order as they appear in Lobiondo:

> The present invention relates to a printshop scheduler routine which automatically schedules jobs at local or remote locations. [Col. 3, lines 16-18.]
>
> A plurality of workstations 30 are present at various locations within the network from which inputs for jobs to be printed can be entered. The workstations 30 can be a PC computer system, a dumb terminal, or an I/O device on one of the printers 10 such as the User Interface 40 shown in FIG. 2. Information relating to jobs to be printed can be input at the workstation 30 through appropriate input means, such as a keyboard or pull down menus on a touchscreen, into the network. [Col. 3, lines 28-36.]
>
> The information, which contains criteria for printing the job, can be sent to and temporarily stored in a buffer, RAM or other storage means located within a print server 60 or associated with the network and accessible by the print server 60. [Col. 3, lines 37-41.]
>
> A user at one of the workstations 30 of the network enters a request to print a job, sends the print job data to a network print spooler 60, and enters all necessary criteria which is stored in an input data file in memory. [Col. 3, lines 56-60.]
>
> Depending on the job type, certain criteria is requested including selection of media format, size, number of copies, completion time, etc. [Col. 6, lines 22-25.]

Appellant respectfully disagrees and submits that Appellant's claimed invention is *print shop* centric as opposed to *scheduler* centric as illustrated above. More specifically, Appellant maintains that Lobiondo in the cited sections recited above, taken singly or together with Orlick, fails to disclose or suggest the forwarding of *production schedules* by print shops to a central repository as claimed by Appellant. Instead, Lobiondo discloses that a scheduler may be used by print shops to optimize print scheduling (see Lobiondo column 5, lines 42-44).

More specifically, production schedules are defined in Appellant's specification at page 3, lines 17-19, as "the projected mapping of customer print jobs to particular print devices for a future period". In contrast, a print job that is scheduled by Lobiondo is described as "a request to print a job" that includes "print job data", and possibly other criteria such as "media format, size, number of copies, completion time". (See Lobiondo, column 3, lines 56-60, and column 6, lines 22-25.)

Moreover, Lobiondo performs scheduling at the job level as it teaches that its disclosed scheduler in operation analyzes "information relating to the job, the print job data itself and known information about the current capabilities of all printing resources within the network and scheduling the printing of print jobs at one or more of the printers". (See Lobiondo, column 3, lines 45-49.) In performing the analysis, Lobiondo discloses that "printers of the type capable of producing the job are checked for availability". (See Lobiondo, column 4, lines 50-52.)

Furthermore, Lobiondo describes that the scheduler may operate using, as discussed in more detail below in section A.2, a "printer availability file" and a "schedule map file" that may, in one embodiment, be stored in a central database. (See Lobiondo column 3, line 64 to column 4, line 15.) However, Lobiondo, taken singly or together with Orlick, fail to disclose or suggest having print shops send their productions schedules to a central repository as claimed by Appellant. That is, Lobiondo does not concern the transfer of a print job between print shops given the indication of spare capacity in production schedules shared between the print shops in a central repository. Instead, Lobiondo teaches that a scheduler receives a print job and determines availability given the submission. (See Lobiondo at column 5, lines 51-55.) Thus, Lobiondo, taken singly or together with Orlick, fails to disclose or suggest the transfer of jobs between print shops when production schedules shared between the print shops indicate spare capacity, as claimed by Appellant.

Accordingly, Appellant respectfully maintains that the transmission of a print job to a scheduler as disclosed by Lobiondo, taken singly or together with Orlick, fails to disclose or suggest sending production schedules of a print shop to a central repository as claimed by Appellant.

A.2 Retrieving Production Schedules At Print Shops From A Central Repository Is Not Disclosed Or Suggested

The Office Action of August 2004 on page 9, section c, alleges that Lobiondo discloses at column 4, lines 8-13 and 46-53, retrieving at a print shop production schedules from a central repository as claimed by Appellant. Instead, Appellant maintains that the cited sections together with column 3, line 66 through column 4, line 6, of Lobiondo, which are recited below, fail to disclose or suggest the retrieval of production schedules at print shops from a central repository, as claimed by Appellant:

> The scheduler 50 also is responsive to the capability and availability of each printer 10 on the network. A database can include one or more files having information relating to the print job and the resources on the network. The database can include a printer file which can be located in memory containing information relating to each printer, such as printer type, quality, speed, document size, capability, etc. This information is the basic information which does not usually change, but can be changed if the machine is upgraded or certain capabilities are permanently or temporarily unavailable. [Col. 3, line 66 – col. 4, line 6]
>
> This information can be centrally stored or may be contained within each printer on the network. Additional files can be located in the database in memory which contain the current availability of all printers on the network (printer availability file) and a file which stores a map of all scheduled jobs and which printers are allocated for each job (schedule map file). Additional files containing various information can be employed. [Col. 4 lines 7-15.]
>
> The scheduler 50 analyzes the printers 10 on the network and determines which printers 10 on the network are capable of producing the job, i.e., does the job require color reproduction, special paper, graphics, etc. Then, printers of the type capable of producing the job are checked for availability. If the time constraint on a particular job is short, the scheduler 50 checks for the fastest of these printers 10 to complete the job. [Col. 4, lines 46-54.]

Appellant maintains that the sections of Lobiondo recited above fail to disclose or suggest, as claimed by Appellant in claim 9, the retrieval of production schedules at print shops from a central repository that were sent to the central repository by other print shops. Instead, the cited sections of Lobiondo above describe a scheduler that is responsive to the receipt of a print job, which assesses its scheduling using information stored in a central database describing both static "information relating to each printer, such as printer type, quality, speed, document size, capability, etc." (see Lobiondo column 3, line 68 – column 4, line 3), and dynamic information that comprises "the current availability of all printers on the

network (printer availability file)" and "a map of all scheduled jobs and which printers are allocated for each job (schedule map file)" (see Lobiondo column 4, lines 10-13).

Appellant submits that the section of Lobiondo recited above describes a *scheduler* centric analysis (as illustrated in Figure 2 above) in which a scheduler makes use of "print job data" and "known information about the current capabilities of all printing resources within the network" (e.g., static printer information, dynamic printer availability information, and dynamic schedule map information) for "scheduling the printing of print jobs". (See Lobiondo at column 3, lines 41-50.) In contrast with Appellant's claimed *print shop* centric method, Lobiondo, taken singly or together with Orlick, does not in the section of Lobiondo recited above disclose or suggest the storage and/or retrieval between print shops of productions schedules to/from a central repository for the purpose of transferring at least parts of a print job between distributed print shops, as claimed by Appellant.

A.3 Allowing Print Shops To Specify Access Controls That Permit Visibility Of Production Schedules Is Not Disclosed Or Suggested

The Office Action of August 2004 on page 11, first paragraph, (together with comments on page 2 of the Advisory Action of November 2004) alleges generally that Lobiondo together with Orlick that the "assigning of an access code for controlling users' access to an information" is well know, as it relates to the specification of access controls that permit visibility of productions schedules, as claimed by Appellant. While the use of access controls for controlling the access to shared information is not contested as being known in the art, Appellant respectfully maintains instead that the use of access controls as used in Appellant's claimed invention recited in claim 9, which allows print shops to specify those print shops it would like to receive print jobs from, is neither disclose or suggested by the combination of Lobiondo and Orlick.

More specifically, the claimed limitation recited in claim 9 of providing access controls on production schedules enables print shops that send their production schedules to the central repository to subsequently control which print shops may view them. A further consequence is that access controls affect whether a print shop may transfer a print job to another print shop when spare printing capacity is

indicated in a retrieved production schedule. As Lobiondo fails to disclose or suggest the retrieval of production schedules for the reasons set forth above, Appellant thus respectfully submits that Lobiondo, taken singly or together with Orlick, fails to disclose or suggest as claimed by Appellant storing in a central repository production schedules of print shops in a first set, and retrieving from the central repository to print shops in a second set productions schedules of the print shops in the first set, with access controls that permit visibility of their production schedules to the print shops in the second set.

A.4 Transferring A Print Job From Print Shop To Print Shop When Spare Printing Capacity Is Indicated In At Least One Retrieved Production Schedule Is Not Disclosed Or Suggested

The Office Action of August 2004 on page 9, section d (that refers to page 5, section f), alleges that Lobiondo discloses at column 3, lines 41-50 that transferring at least part of a print job from one print shop to another print shop when spare printing capacity is indicated in a production schedule of the other print shop. Instead, Appellant maintains that the cited section reproduced below describes a scheduler centric method for performing distributed printing.

> A printshop scheduler 50, which may be in hardware or software, is located within the network either at the print server 60 or at various local workstations 30 within the network for analyzing the information relating to the job, the print job data itself and known information about the current capabilities of all printing resources within the network and scheduling the printing of print jobs at one or more of the printers 10 to obtain an efficient use of all available resources. [Col. 3, lines 41-50.]

As described in the cited section of Lobiondo reproduced above, the print shop scheduler may be located at a print server or at workstations within a network. However, the cited section of Lobiondo reproduced above, taken singly or together with Orlick, fails to disclose or suggest that such a print shop (scheduler) may be operate to interact with other print shops (schedulers) in the manner claimed by Appellant, namely to interact as claimed by Appellant, where one print shop transfers to another print shop at least part of a print job after spare capacity is indicated in a production schedule of the other print shop retrieved by the one print shop from a central repository, as claimed by Appellant in claim 9.

A.5 Summary Of Group 1 Claims Argument

Accordingly, for the reasons set forth above Appellant respectfully submits that claim 9 read as whole is patentably distinguishable over Lobiondo, taken singly or in combination with Orlick, and thus the cited references fail to disclose or suggest Appellant's invention relating to processing a print job with geographically distributed print shops as recited in independent claim 9 which includes: (a) sending, from a set of print shops, a representation of a production schedule to a central repository; (b) retrieving, at a print shop, the production schedule with access controls that permit visibility to the print shop; and (c) transferring a print job from one print shop to another when spare printing capacity is indicated in a retrieved production schedule.

Insofar as dependent claims 10-14 are concerned, these claims depend from claim 9 and stand or fall together with claim 9, and are therefore also patentably distinguishable over Lobiondo in view of Orlick for the reasons set forth above with regard to representative claim 9.

B. Second Group Of Claims, Consisting Of Claim 15 And Its Dependent Claim 16, Is Patentable Over Lobiondo and Orlick

In this section, Appellant traverses the rejection of the second group of claims, consisting of claim 15 (which depends from claim 9) and dependent claims 16, as being obvious under 35 U.S.C. §103(a) over Lobiondo in view of Orlick. In doing so, claim 15 is discussed in this section as the representative claim of the second group. The rejection regarding claim 15 is detailed on pages 12-13 of the Office Action of August 2004 (which refers to discussion on pages 9-10 of the Office Action previously discussed above in sections A.1, A.2 and A.3 above).

Appellant respectfully submits that Lobiondo taken, singly or in combination with Orlick, fails to disclose or suggest limiting production schedules retrieved at print shops as a function of attached user profiles, when claims 9 and 15 are read as whole. Appellant in claim 9 recites that each production schedule sent by a print shop comprising data allows a representation of the respective production schedule. Further as recited by Appellant in claim 9, each production schedule has access controls that permit visibility to print shops. Finally, Appellant recites in claim 15 that

a user profile attached to a print shop is used to limit productions schedules retrieved by a print shop.

Thus, when reading claims 9 and 15 together, a dual control over print shops is realized which involves controlling what submitted publication schedules may be viewed by print shops (i.e., view control) and what production schedules print shops choose to retrieve (i.e., retrieval control). Lobiondo, taken singly or together with Orlick, fails to contemplate that a print shop scheduler is given such control over the "printer availability file" or the "schedule map file" described in Lobiondo at column 3, line 64- column 4, line 15. Instead, Lobiondo, discloses that inputting job completion criteria at a user interface that is submitted with a job and analyzed by the scheduler may use information in such files. (See Lobiondo example in column 6, lines 22-49.)

Accordingly, claim 15 is believed to be patentably distinguishable over Lobiondo taken singly or in combination with Orlick for the reasons set forth for claim 9 that are applicable to claim 15 and because Lobiondo taken singly or in combination with Orlick fails to disclose or suggest limiting production schedules retrieved at print shops as a function of attached user profiles. Insofar as claim 16 is concerned, claim 16 depends from claim 15 and is therefore also believed to be patentably distinguishable over Lobiondo in view of Orlick for those reasons set forth for claim 15 above.

C. Conclusion

Based on the arguments presented above, claims 9-16 are believed to be in condition for allowance. Appellant therefore respectfully requests that the Board of Patent Appeals and Interferences reconsider this application, reverse in whole the rejection of claims 9-16, and pass this application for allowance.

Respectfully submitted,

Thomas Zell

Thomas Zell
Attorney for Appellant
Registration No. 37,481
Telephone: 650-812-4282

Date: 2/17/05

CLAIMS APPENDIX

CLAIMS INVOLVED IN THE APPEAL:

9. A method for processing a print job with geographically distributed print shops, comprising:

coupling a first set of print shops, a second set print shops, and a central repository via a network; the first set of print shops having one print shop and the second set of print shops having a plurality of print shops;

sending to the central repository a production schedule representative of at least one print shop in the second set of print shops with access controls that allow visibility of its production schedule to include the print shop in the first set of print shops; each production schedule sent by a print shop comprising data allowing a representation of the respective production schedule;

retrieving, at the print shop in the first set of print shops from the central repository via the network when the print shop in the first set of print shops lacks sufficient printing capacity for processing the print job, the production schedules of print shops in the second set of print shops having access controls that permit visibility of their production schedules to the print shop in the first set of print shops; and

transferring, from the print shop in the first set of print shops to at least one print shop in the second set of print shops via the network, at least part of the print job when spare printing capacity is indicated in at least one retrieved production schedule of the second set of print shops;

wherein the print shop in the first set of print shops and the at least one print shop in the second set of print shops effect the transfer of the at least part of the print job independent of any centralized scheduling application while each print shop may operate a scheduling application of its choosing.

10. The method according to claim 9, wherein the print shop in the first set of print shops displays the production schedules of the second set of print shops retrieved from the central repository.

11. The method according to claim 10, wherein each of the print shops in the second set of print shops sends its respective production schedule to the central repository.

12. The method according to claim 11, wherein the network is a computer network.

13. The method according to claim 10, wherein at least some of the production schedules of the print shops in the second set of print shops are created from a digitized photograph of a hard copy rendering of their production schedules.

14. The method according to claim 9, further comprising limiting the production schedules of the print shops in the second set of print shops retrieved by the print shop in the first set of print shops from the central repository as a function of geographical location of the print shop in the first set of print shops and the print shops in the second set of print shops.

15. The method according to claim 9, further comprising limiting the production schedules of print shops in the second set of print shops retrieved by the print shop in the first set of print shops from the central repository as a function of a user profile attached to the print shop in the first set of print shops.

16. The method according to claim 15, wherein the user profile of the print shop in the first set of print shops defines a set of preferred print shops from the second set of print shops.

Application No. 09/707,926

EVIDENCE APPENDIX

NONE

Application No. 09/707,926

RELATED PROCEEDINGS APPENDIX

NONE